

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12589 of 2017

Arising Out of PS.Case No. -419 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Bhushan Yadav, Son of Sri Krishna Kanhaiya Yadav, resident of Sonbarsa
PS Chautham District Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Atul Chandra

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 06-07-2017

Heard learned counsel for the petitioner, learned counsel
appearing on behalf of O.P. No.2 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Khagaria (Chitragupta Nagar) P.S. Case no. 419 of 2016, registered
under Sections 420, 419 and 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that, in fact,
due to illness of elder brother of the petitioner, the petitioner had taken
Rs. 2,40,000/- to the O.P. No.2 with condition that if the money will
not return then he will execute the sale deed. The petitioner is still
ready to pay the entire amount i.e. Rs. 2,40,000/-, but his financial
condition is not conducive, so he would like to pay the said amount
within a period of four months.

Learned counsel appearing on behalf of O.P. No.2 has no
objection in allowing the provisional bail to the petitioner subject to
payment of Rs. 2,40,000/- within a period of four months from today.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on provisional bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 419 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on submission of receipt of Rs. 2,40,000/- given to O.P. No.2, within a period of four months. If the petitioner fails to furnish the receipt of said amount within four months, the trial Court would be at liberty to cancel the bail bond of the petitioner.

(Rajendra Kumar Mishra, J)

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